

REMARKS

Claims 1 has been amended to correct informalities and to exclude an N-H bond when an alkaline metal is present. Claims 13 and 19 have been amended to be consistent with the present disclosure and the language of the other pending claims. Claim 15 has been amended to include the structures of formulas (VI) and (VII) and the corresponding definitions of the R-, X- and Y-substituents. Claim 17, 19 and 20 have been amended to include the structures of formulas (VI), (VII) and (VIII) and the corresponding definitions of the R-, X- and Y-substituents. Claims 17, 19 and 20 have been further amended to correct the antecedent basis issues.

Since the amendments reduce issues for appeal and/or place the application in condition for allowance, entry is respectfully requested.

Statement of Substance of Interview

Applicants thank the Examiner for granting the telephone interview on March 2, 2010, wherein Applicants representative reviewed proposed claim amendments with the Examiner in view of the claim objections and rejections under §112. The Examiner indicated that if Claim 1 was further amended to recite “provided that when Z¹ is an alkali metal, an alkaline earth metal salt or an alkaline earth metal alkyl group, none of R¹, R² and Y¹ is the hydrogen atom)” then the proposed claim amendments should overcome the claim objections and rejections under §112.

Response to Claim Objections

- (a) Claims 1, 13, 14, 15 and 19 are objected to because of informalities.

Claims 1, 13, 14, 15 and 19 have been amended to correct informalities. Accordingly, withdrawal of the objection is respectfully requested.

(b) Claims 13 and 19 are objected to for assertedly being inconsistent with the chemistry disclosed and the language of the other claims.

Claims 13 and 19 have been amended consistent with the present disclosure and the language of the other pending claims. Accordingly, withdrawal of the objection is respectfully requested.

(c) Claim 15 is objected to for referring to formulas (VI) and (VII), which are not incorporated into the claim.

Claim 15 has been amended to include the structures of formulas (VI) and (VII) and the corresponding definitions of the R-, X- and Y-substituents. Accordingly, withdrawal of the objection is respectfully requested.

(d) Claims 17, 19 and 20 are objected to for referring to formulas (VI), (VII) and (VIII), which are not incorporated into the claims.

Claim 17, 19 and 20 have been amended to include the structures of formulas (VI), (VII) and (VIII) and the corresponding definitions of the R-, X- and Y-substituents. Accordingly, withdrawal of the objection is respectfully requested.

(e) Claims 17 and 19 and 20 are objected to for utilizing claim language that lacks antecedent basis. Claim 20 is further objected to for reciting "the said solution" on the seventh line of the claim.

Claims 17, 19 and 20 have been amended to correct the antecedent basis issues. Claim 20 has been further amended to delete "said" from the claim. Accordingly, withdrawal of the objection is respectfully requested.

Double Patenting Rejection

Claims 1-8 and 10-12 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-15 of co-pending Application No. 11/908,462. Applicants respectfully traverse.

The claims of copending Application No. 11/908,462 are directed to “a rubber composition comprising 5 to 60 parts by mass of a low-molecular weight aromatic vinyl compound-conjugated diene compound copolymer (B) having an aromatic vinyl compound content of 5 to 80% by mass, a vinyl bond content in a conjugated diene compound portion of 10 to 80% by mass and a weight average molecular weight as measured through a gel permeation chromatography and converted to polystyrene of 5,000 to 200,000 and 20 to 90 parts by mass of a filler (C) based on 100 parts by mass of a rubber component (A) composed of at least one of natural rubber and synthetic diene-based rubbers, in which 50 to 90% by mass of the filler (C) is silica.” However, the claims of the ‘462 Application fail to disclose or suggest a modified conjugated diene polymer characterized by presently claimed formula (I), as recited in Claim 1.

In addition, the specified polymerization initiator containing an amine portion utilized in the present claimed invention, is not used in the copending ‘462 Application. In this regard, according to the present invention, when the polymerization initiator containing the amine portion is used, the amine portion is added to the polymerization starting portion.

In contrast, the copending ‘462 Application discloses a modifying agent of the formula (II) at page 4. However, the modifying agent is not a polymerization initiator and, moreover, it is added to the polymerization terminal end. Thus, the copending ‘462 Application fails to render

obvious the presently claimed modified conjugated diene polymer. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

Response to Claim Rejections Under §112

Claims 1-12, 14, 18 and 21-26 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.


Without acquiescing the merits of the rejection, claim 1 has been amended to exclude an N-H bond when an alkaline metal is present, thereby meeting all of the requirements of §112. Accordingly, withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Thomas M. Hunter
Registration No. 64,676

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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